



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

AUG 01 2006

OFFICE OF PETITIONS

John L. Rogitz
Rogitz & Associates
750 B. Street, Suite 3120
San Diego, CA 92101

In re Application of :
Duncan, et al. : DECISION GRANTING PETITION
Application No. 09/829,249 : UNDER 37 CFR 1.137(b)
Filed: April 9, 2001 :
Atty. Dkt. No.: ARC920010027US1 :

This decision is in response to the petition under 37 CFR 1.137(b),
filed April 4, 2006.

The petition is **GRANTED**.

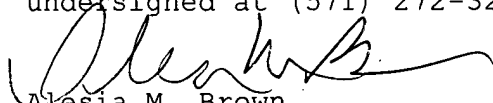
The above-identified application became abandoned December 28, 2005
for failure to timely submit a proper reply to the Notice of
Allowance (Notice) mailed September 27, 2005. The Notice set a
three month statutory period of time for reply. Notice of
Abandonment was mailed March 29, 2006.

A grantable petition under 37 CFR 1.137(b) requires submission of:
(1) the reply required to the outstanding Office action or notice,
unless previously filed; (2) the petition fee as set forth in §
1.17(m); (3) a statement that the entire delay in filing the
required reply from the due date for the reply until the filing of
a grantable petition pursuant to this paragraph was unintentional.
The Director may require additional information where there is a
question whether the delay was unintentional; and (4) any terminal
disclaimer (and fee as set forth in § 1.20(d)) required pursuant to
37 CFR 1.137(d).

The instant petition has been reviewed and found in compliance with
the provisions of 37 CFR 1.137(b). Accordingly, the failure to
timely submit a proper reply to the Notice is accepted as having
been unintentionally delayed.

This application is being forwarded to the Office of Patent
Publication for further processing.

Telephone inquiries regarding this decision should be directed to the
undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions